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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,975	02/17/2004	James Alphonse Burkart		9093

7590 04/30/2009
JAMES A. BURKART JR.
2054 Chadds Ford Dr.
Reston, VA 20191

EXAMINER

LAUX, JESSICA L

ART UNIT	PAPER NUMBER
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3635

MAIL DATE	DELIVERY MODE
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04/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/779,975

Applicant(s)

BURKART, JAMES ALPHONSE

Examiner

JESSICA LAUX

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 is/are allowed.
- 6) ☒ Claim(s) 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Species I; Species XII; Species XXII; Species XXXII in the reply filed on 6/29/2007 is acknowledged. The traversal is on the ground(s) that there are similar structural features in all embodiments and therefore it would not be a burden to the examiner to search all embodiments. This is not found persuasive because while there may be similar structural features in all embodiments there are also dissimilar structural features unique to each embodiment and; (1) the search required for the elected species would not include a search for the unelected species since the structural difference between the species would necessitate additional search, and (2) examination is not limited simply to search. In addition to the search, much of the examination is devoted to determining patentability of claims. Said determination requires the formulation of rejections and responding to applicant's arguments with regard to same. The additional search and the determination of patentability for multiple, patentability distinct species would place serious burden on the examiner.

The requirement is still deemed proper and is therefore made **FINAL**.

Response to Arguments

Applicant's arguments with respect to claims 17-18 are moot in view of the cancellation of those claims. A new ground(s) of rejection is presented below for claim 19.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by
Mickelsen (4860502).**

Claim 19. Mickelsen discloses a grid support structure comprising:

a first-side support means (22) having a upward-face and an adjacent
upstanding-face,

a second-side support means (24) having an upward-face and an adjacent
upstanding-face, said upstanding-face of said first-side support means opposed said
upstanding-face of said second- side support means,

a plurality of rafter-member (26, 40,42), said rafter-member having a first-end
and a second-end, said rafter-member substantially extending from said upward-face of
said first-side support means to said upstanding-face of said second-side support
means, said first end of said rafter -member disposed above said upper-face of said first
side support means, said second end of said rafter- member disposed above said
upper-face of said second support means, wherein said rafter- member is longitudinally
retained by said upstanding faces of said support means and said rafter-member is
supported at each end by said upper faces of said support means, a number of said
rafter-members positioned at substantially uniform intervals from each other (as seen in
the figures), said upper face of said rafter-member having one or more projection-
depressions (at 40; figures 5A-C),

one or more cross-members (56,70,72,74), each cross-member comprising a middle-portion (56) and two end portions (70,72,74), each end-portion with an upper-face, the middle-portion with an upper-face, said cross-members positioned transverse to said rafter-members, said middle portions of said cross-members substantially extending from one rafter-member to the next, said end-portions of said cross-members disposed over said upper faces of said rafter-members (at 40), each end-portion proximate one or more said projection-depressions of said rafter-member (as seen in the figures),

wherein said cross-members interface with said projection-depression of said rafter-members (at 40; figures 5A-C), said end-portions of said cross-members are held by said interface with said members, whereby cross-members can be snapped, slid, or set into position, unsnapped, slid, or lifted out of position, whereby cross-members and rafter-members can be installed, adjusted, and uninstalled from below, whereby the ease of installation and removal of cross-members is facilitated, and whereby, access to the area above the grid for maintenance and other reasons is greatly facilitated (as seen in the figures).

Allowable Subject Matter

Claims 1-16 are allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA LAUX whose telephone number is (571)272-8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./
Supervisory Patent Examiner, Art Unit 3635

/J. L./
Examiner, Art Unit 3635